GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri K. Nagajyothi Prakash Raju S/o Sri K.Narappa Raju, SPSR Nellore District against the proceedings Rc.C5(M)1599/2007, dt.11.07.2009 of the District Collector, SPSR Nellore, under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders Issued.

SOCIAL WELFARE (TW.CV2) DEPARTMENT

G.O.MS.No. 117 Dated: 02-08-2018
Read the following:

1. Proceedings of the Dist. Collector, SPSR Nellore, Rc.C5(M)1599/2007, dt.11.07.2009.
2. Appeal Petition filed by Smt. K.Maria Kumari mother of K.Nagajyothi Prakash Raju S/o K.Narappa Raju, SPSR Nellore District received through CMP No.3629/CMP/2009, dt.21.08.2009.
3. Govt. Memo No. 9039/CV.2/2009, S.W(CV.2) Department, dt.03.10.2009.
4. Order of the Hon'ble High Court of Andhra Pradesh, Hyderabad in W.P.No. 15876/2009, dated 05.08.2009.
5. From the District Collector, SPSR Nellore, Lr.No.Rc.No.C5(M)1886/2009, dt.17.10.2009.
6. Appeal Petition filed by Sri K.N.J. Prakash Raju, S/o K.Narappa Raju, through his counsel before the then M(TW&RIAD), Endt.No.488/M(TW&RIAD/2010, dt 19.04.2010.
7. Govt. Letter No.9039/CV.2/2009, S.W(CV.2) Department, dt.10.06.2010.
8. Material papers submitted by the appellant, before the appellate authority on 25.06.2010.
9. Govt. Memo No.9039/CV.2/2009, dt.20.10.2012, 17.01.2013, 10.04.2015 & 22.05.2015.
10. From the Deputy Secretary to Governor, Rajbhavan, Hyderabad, Lr.No.9193/A2/A2/S/2015, dated 19.01.2016, along with Material papers submitted by mother of the appellant.
11. Govt. Memo No.9039/CV.2/2009, dated 02.06.2017& 23.08.2017.
12. Written arguments filed by mother of the appellant/ appellant through his counsel before the appellate authority on 16.09.2017.

ORDER:

In the reference 1st read above the District Collector, SPSR Nellore has issued orders canceling ST-Yerukula Caste Certificate obtained from the then Tahsildar, Bagole Mandal SPSR District in 2005 by Sri K. Nagajyothi Prakash Raju S/o Sri K.Narappa Raju, SPSR Nellore District.

2. In the reference 2nd read above, Smt. K.Maria Kumari, mother of K.Nagajyothi Prakash Raju, SPSR Nellore District has filed an Appeal Petition before the Government against the said Proceedings of the District Collector, SPSR Nellore. After examination, Government have admitted the said Appeal Petition and called for the parawise remarks and connected records from the District Collector, SPSR Nellore in the reference 3rd read above. In the reference 6th read above, Sri K. Nagajyothi Prakash Raju has filed another appeal petition before the Government and it is examined by the Government.

3. Sri K. Nagajyothi Prakash Raju S/o Sri K.Narappa Raju, SPSR Nellore District has filed W.P. No. 15876/2009 before the Hon'ble High Court, against said proceedings of the District Collector, SPSR Nellore. In the reference 4th read above, the Hon'ble High Court of Andhra Pradesh, while disposing the said WP on 05.08.2009 has granted stay on the proceedings of the District Collector, SPSR Nellore dated 11.07.2009 and directed to Government to consider and dispose off the same in accordance with law.

4. In the reference 5th read above, the District Collector, SPSR Nellore has furnished the Parawise remarks and connected records on the said Appeal Petition filed by Sri K. Nagajyothi Prakash Raju S/o Sri K.Narappa Raju, SPSR Nellore District.

5. The said Appeal Petition has been posted for hearing on 25.06.2010, 30.10.2012, 21.01.2013, 23.05.2015, 13.06.2015, 24.06.2017 & finally on 16.09.2017 and the same has been informed to the Appellant and the Counsel for the appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the

[P.T.O]

matter and it will be decided based on the material available with the Government in the references 7th , 9th & 11th read above. The Mother of the Appellant was attended and argued the case and explained his son community status and filed Written Arguments before the Appellate Authority in support of his community claim in the reference 8th, 10th & 12th read above.

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, SPSR Nellore and proceedings of the District Collector, SPSR Nellore dated 11.07.2009, the Appellate Authority is observed that :

I. The appellant in his grounds has stated that the The District Collector ought to have dropped the proceedings as all the documents clearly to show that the petitioner falls under the category of Yerukala community Scheduled tribe and the Collector had not considered the certificates issued to the mother of the petitioner in the year in the year 1985 dt 31.01.1985 and also the new caste certificate issued in the year 2003 dt12.5.2003, which clearly go to show that all the relatives falls under the category of Scheduled tribe and to prove the same, the petitioner also filed several documents and caste certificates issued to their relatives. At the time of passing the order and had not properly appreciated the surname of the petitioner and erroneously held that the petitioner surname is Karivepakula Naga Jyothi Prakash Raju, S/o Narappa Raju and the Hon'ble Authority had not at all appreciated that the surname of the petitioner is Karriyeddula and where they got his surname as Karivepakula wherein all the records clearly show that his surname is Karriyeddula, but the Hon'ble Authority had not properly considered this aspect and had erroneously passed the impugned order by canceling his caste certificate without application of mind and he has not gave proper opportunity to explain all the things.

II. The District Level Scrutiny Committee has observed that at the time of admission, into MBBS Course during the year 2007-08, ST Yerukala social Status of the appellant was doubtful and he was advised to attend the O/o DTW, Hyderabad on 16.8.2007 along with information. On 16.8.2007 he has furnished the information about his family particulars and educational record, and the same has been examined and found that their native place is Kovurupalli(V), Bogole(M), Nellore District. The surname Karivepakula is uncommon among Yerukala tribe. The surname of his mother Goddeti is also uncommon among Yerukala tribe. As per information given by his mother before the DTW, about his father's community claim, there is no documentary evidence to prove his father's community that he belongs to ST Yerukala. As per the information available in the O/o DTW, Gaddeti and Mekala surname persons in Kapparallathippa, Bitragunta and Kovurupalli(V) of Bogole Mandal of Nellore District are recorded as belonging to Donga dasari or Dasari or Kathera community but not Yerukala tribe. During the course of enquiry Sri K.N.Prakash Raju and his mother along with their relatives have attended before the District Level Scrutiny Committee. on 29.7.2008 and 2.9.2008. The mother of the appellant was silent when asked to explain their customs and traditions, Gothrams death ceremonies. The surname of her husband is Karreddula, her surname is Goddeti and the surname of her son is Karivepakula, which are all common in Kathera (BC) community. In view of the above, the District Level Scrutiny Committee concluded that Sri K.N. Prakash Raju does not belong to Yerukala(ST) community. Based on the findings of the DLSC, the District Collector has cancelled the appellant's caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority has observed that the surname of his father is Karreddula/ Karepakula, his mother's surname is Goddeti and which are all common in Kathera(BC) community but not ST-Yerukula Community. That as per the Act 16/1993 that the burden of proof lies on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. But, the appellant has not produced any relevant documents/material in support of his ST-Yerukual community claim before the Appellate Authority at the time of hearing except school record, which is generate based on declaration given by the parents. The school certificates cannot be accepted as reflection of true caste of person. Further there is no evidence that the appellant belongs to ST-Yerukula Community and the appellant failed to produce any evidence even though lot of opportunity was given to her even by the Government. Further the appellant have failed to prove that his grandparents, parents or any relatives belong to ST- Yerukula community. Hence Government have examined the entire

[Contd..]

record & material relevant to the instant case and it is decided that the appellant obtained caste certificate fraudulently and the appellant has no iota of evidence to show that his grandparents, parents or any relatives belong to ST-Yerukula community. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity found either in the order of the learned DLSC or the District Collector, SPSR Nellore.

8. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the appeal petition filed by Sri K. Nagajyothi Prakash Raju S/o Sri K.Narappa Raju, SPSR Nellore District does not deserve any interference. Hence, Proceedings of the District Collector, SPSR Nellore issued vide Rc.C5(M)1599/2007, dt.11.07.2009, is hereby upheld and the Appeal Petition filed by Sri K. Nagajyothi Prakash Raju, is hereby dismissed and the Certificate issued by the then Tahsildar, Bagole Mandal, SPSR Nellore District is deemed to be cancelled.

9. Consequently, the District Collector, SPSR Nellore shall take necessary action in the matter.

10. The records (containing Rc.C5(M)1599/2007, dt.11.07.2009, pages 01 to 560 cf & 01-10 nf) received from District Collector, SPSR Nellore through in the reference 5th read above, are returned herewith in original to District Collector, SPSR Nellore and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, SPSR Nellore.(w.e)
(with original records) (BY RPAD)

Smt. Mariya Kumari, C.H.O.,
W/o Late Narapa Raj,
C/o R.T.C. Gopalam House,
Door No/12/1-Main Bazaar,
Narayanavanam (Post)
Chittoor District.

Sri GCS Mallikarjuana Rao &
Sri T. Madhusudana Rao, Advocates,
Door No.1-189/B, Station Road,
Mangalagiri, Guntur District.

Copy to:
The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE & TWE).
The PS to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER